IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 11459 of 2004(L)

PETITIONER:

A.K.LOHITHAKSHAN, AGED 61 YEARS,
S/O.KUTTAPPAN, ADIYA RATH HOUSE, POYYA VILLAGE,
POOPATHY.P.O., KODUNGALLOOR TALUK, THRISSUR
DISTRICT.

BY ADV. SRI.K.B.SURESH
SMT.SADHANA KUMARI ESWARI

RESPONDENTS:
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1. **STATE OF KERAL, REPRESENTED BY ITS**
CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
TRIVANDRUM.

2. **THE DISTRICT EXECUTIVE OFFICER,**
KERALA MOTOR TRANSPORT WORKERS WELFARE
FUND BOARD, PALARIVATTOM, KOCHI-25.

BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD
GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.11459.2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PAGE NO.61 & 62 OF THE ACCOUNT BOOK DULY KEPT IN THE NORMAL COURSE OF BUSINESS BY THE PETITIONER AND HIS FIRM WITH THE ACKNOWLEDGING SIGNATURES OF ALL PARTNERS AND MEDIATORS.

EXT.P2:- COPY OF THE AGREEMENT DISSOLVING THE PARTNERSHIP, DT. 20.7.91.

EXT.P3:- COPY OF THE FINAL DETERMINATION ORDER NO.B1-218/86 DT. 28.2.94, ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P4:- COPY OF THE ORDER NO.G.O.(RT) 879/95/LBR DT. 17.4.95 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P5(a):- COPY OF THE NOTARISED AFFIDAVIT FILED BY THE PARTNER SHRI. D.RAJU, BEFORE THE KERAL MOTOR TRANSPORT WORKERS WELFARE FUND APPELLATE AUTHORITY, TRIVANDRUM, DT. 9.8.94.

EXT.P5(b):- COPY OF THE NOTARISED AFFIDAVIT FILED BY THE PARTNER SHRI. DANESAN, BEFORE THE KERALA MOTOR TRANSPORT WORKERS WELFARE FUND APPELLATE AUTHORITY, TRIVANDRUM, DT. 9.8.94.

EXT.P5(c):- COPY OF THE NOTARISED AFFIDAVIT FILED BY THE PARTNER, SHRI.BABURAJ, BEFORE THE KERALA MOTOR TRANSPORT WORKERS WELFARE FUND APPELLATE AUTHORITY, TRIVANDRUM. 18.7.94.

EXT.P5(d):- COPY OF THE NOTARISED AFFIDAVIT FILED BY THE PARTNER SHRI.M.K.SHANMUKHAN, BEFORE THE KERALA MOTOR TRANSPORT WORKERS WELFARE FUND APPELLATE AUTHORITY TRIVANDRUM DT. 18.7.94.

EXT.P6:- COPY OF THE JUDGMENT IN OP. NO.11110/95 DT. 25.9.03 OF THIS HONOURABLE COURT.

EXT.P7:- COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER , DT. 17.11.03.

EXT.P8:- COPY OF THE ORDER NO.EE.403/RAO/90-92 DT. 3.1.04 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

/TRUE COPY/

P.A. TO JUDGE

KURIAN JOSEPH , J

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W.P.(C) NO. 11459 OF 2004

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Dated this the 10th day of August, 2007.

JUDGMENT

Petitioner is aggrieved by Ext.P8 order passed by the 2nd respondent. Since the petitioner has an effective remedy by way of appeal before the Government, it is not necessary for this Court to go into various factual disputes involved in the case. Accordingly, the writ petition is disposed of as follows:

In the event of the petitioner pursuing his remedy of appeal before the Government within a period of two months from today, the matter will be duly considered by the 1st respondent with notice to the petitioner and appropriate orders, in accordance with law, will be passed withing another four months. The interim order passed by this court on 07.04.2004 will continue till such time.

KURIAN JOSEPH, JUDGE.

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